

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations and practices of Miko Telephone Communications, Inc. and its sole owner and President Margaret Currie, to determine whether it has violated the laws, rules and regulations governing: 1) payment of surcharges to the Commission, 2) authorized operation in California, 3) providing accurate information to the Commission and 4) the manner in which California consumers are switched from one long distance carrier to another.

Investigation 04-03-016
(Filed March 16, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE AND
DIRECTING THE FILING OF PREHEARING CONFERENCE STATEMENTS**

This ruling directs Respondents Miko Telephone Communications, Inc. (Miko) and its sole owner and President Margaret Currie, as well as the Commission's Consumer Protection and Safety Division (CPSD), to attend a prehearing conference (PHC) on Tuesday, May 11, 2004, at 1:30 p.m. in the Commission Courtroom, State Office Building, at 505 Van Ness Avenue, San Francisco, California. The failure of Respondents to appear at the PHC may subject them to sanctions in addition to those set forth in the Order Instituting Investigation issued on March 16, 2004.

In its order, the Commission (a) suspended Miko's certificate of public convenience and necessity for alleged specific violations of the Public Utilities Code and failure to pay to the Commission all of the outstanding fees and

surcharges required by law and (b) ordered a PHC be scheduled for the purpose of setting a schedule for evidentiary hearings, to include dates for the exchange of additional written testimony, determination of which of CPSD's staff witnesses will need to testify, and addressing discovery issues.

Therefore, **IT IS RULED**, that:

1. The Commission will hold a prehearing conference (PHC) on Tuesday, May 11, 2004, at 1:30 p.m. in the Commission Courtroom, State Office Building, at 505 Van Ness Avenue, San Francisco, California.

2. Parties shall file PHC statements no later than Thursday, May 6, 2004.

These statements should address the following issues:

- (a) Recommended schedule for the proceeding (dates for exchanging prepared testimony; for hearings, briefings, etc.) to enable the Commission to resolve this case no later than 12 months from the date of filing the proceeding (see Pub. Util. Code § 1701.2(d));
- (b) Identification of the principal factual and legal issues and the evidentiary bases for claims and defenses (other than the facts and legal issues set forth in the Order Instituting Investigation);
- (c) Anticipated witnesses;
- (d) Anticipated discovery issues; and
- (e) Other topics as the interest of justice and efficient case management require.

3. All parties shall serve the PHC statements on the attached service list as well as on assigned Administrative Law Judge (ALJ) Christine Walwyn, 505 Van Ness Avenue, Room 5117, San Francisco, CA 94102 (ALJ Walwyn's e-mail address is cmw@cpuc.ca.gov), and Assigned Commissioner Wood's Advisor Jonathan Lakritz, 505 Van Ness Avenue, 5th Floor, San Francisco, CA 94102 (Mr. Lakritz's e-mail address is jo1@cpuc.ca.gov).

Dated April 8, 2004, at San Francisco, California.

/s/ JANET A. ECONOME for
CHRISTINE WALWYN

Christine Walwyn
Administrative Law Judge

ATTACHMENT A

SERVICE LIST

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******* INFORMATION ONLY *******

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(END OF ATTACHMENT A)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference and Directing the Filing of Prehearing Conference Statements on all parties of record in this proceeding or their attorneys of record.

Dated April 8, 2004, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.